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TECHNOLOGY CENTER 3600

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900 Third Avenue
New York, NY 10022

In re Application of	:	DECISION ON
Paul William Chapman et al.	:	RENEWED PETITION
Application No. 09/980,284	:	TO WITHDRAW THE
Filed: February 21, 2002	:	HOLDING OF
		ABANDONMENT

For: INFLATABLE SUPPORT

This is in reply to applicant's renewed petition to avoid abandonment, filed in the United States Patent and Trademark Office, on April 16, 2005.

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Non-Compliant Amendment was mailed May 24, 2004. Since no reply was received by the Office before the expiration of the statutory period, the application was held abandoned and a notice to this effect was mailed on January 7, 2005.

There is a strong presumption that Office communications properly addressed and delivered to the United States Postal Services, are in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include **a copy of the list of all responses in the practitioner's office to which the action was properly sent with the due date at and around June 24, 2004.** See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

The petitioner has failed to comply with requirement (3) indicated above. Petitioner has not provided a complete docket record with a copy of the list of all responses in the practitioner's office to which the action was sent with the due date at and around June 24, 2004. The docket records sent in by Petitioner only show where the non-received communication would have been entered had it been received and docketed.

Petitioner's evidence of non-receipt of the Office action mailed May 24, 2004 is insufficient to withdraw the holding of abandonment, and the petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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KJD/js: 8/15/05